

PATENT COOPERATION TREATY

PCT/US2005/005254

From the INTERNATIONAL BUREAU

PCT**NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)**

(PCT Rule 44bis.1(c))

To:

TANNENBAUM, David, H., Esq.
Fulbright & Jaworski LLP
2200 Ross Avenue, Suite 2800
Dallas, TX 75201
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 31 August 2006 (31.08.2006)		IMPORTANT NOTICE	
Applicant's or agent's file reference 04-103PCT			
International application No. PCT/US2005/005254	International filing date (day/month/year) 18 February 2005 (18.02.2005)	Priority date (day/month/year) 19 February 2004 (19.02.2004)	
Applicant LANDMARK DIGITAL SERVICES LLC et al			

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

FULBRIGHT & JAWORSKI, LLP
IPT DOCKETING
Docketed ☒ Not Rec'd ☐ Confirmation ☐
Initials 1st [Signature] Initials 2nd [Signature]

SEP 18 2006

Attorney

Docket No. 693229/P008ND
Action Req'd _____ Date Due _____

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. +41 22 338 82 70

Authorized officer

Masashi Honda

e-mail: pt08@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 04-103PCT	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2005/005254	International filing date (<i>day/month/year</i>) 18 February 2005 (18.02.2005)	Priority date (<i>day/month/year</i>) 19 February 2004 (19.02.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant LANDMARK DIGITAL SERVICES LLC		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 22 August 2006 (22.08.2006) Authorized officer <div style="text-align: center; font-weight: bold;">Masashi Honda</div> e-mail: pt08@wipo.int
---	--

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
JOSEPH A. HERNDON
MCDONNELL BOEHMEN HUBERT & BERGHOFF, LLP
300 S. WACKER DRIVE
CHICAGO, IL 60606

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) 23 MAR 2006	
FOR FURTHER ACTION See paragraph 2 below	
Applicant's or agent's file reference 04-103PCT	
International application No. PCT/US05/05254	International filing date (day/month/year) 18 February 2005 (18.02.2005)
	Priority date (day/month/year) 19 February 2004 (19.02.2004)
International Patent Classification (IPC) or both national classification and IPC IPC: H04B 17/00 (2006.01); H04H 7/04 (2006.01) USPC: 455/3.01	
Applicant SHAZAM ENTERTAINMENT, INC	

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450	Date of completion of this opinion 14 March 2006 (14.03.2006)	Authorized officer Philip J. Sobutka Telephone No. 571-272-7887
--	--	---

Facsimile No. (571) 273-3201
Form PCT/ISA/237 (cover sheet) (April 2005)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/05254

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in electronic form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

Form PCT/ISA/237(Box No. I) (April 2005)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/05254

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-24	YES
	Claims NONE	NO
Inventive step (IS)	Claims 1-24	YES
	Claims NONE	NO
Industrial applicability (IA)	Claims 1-24	YES
	Claims NONE	NO

2. Citations and explanations:

Claims 1-24 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest :

Regarding claims 1, 24. The nearest prior art as shown in Pitman fails to teach a method for identifying a broadcast source of content comprising: recording an audio sample; recording a time at which the audio sample was recorded; identifying characteristics of the audio sample and an estimated time offset of the audio sample, the estimated time offset defining from a time difference between a start time of the audio sample and the time at which the audio sample was recorded; comparing the characteristics and the estimated time offset of the audio sample with characteristics and time offsets of samples taken from broadcast stations and taken at approximately the time at which the audio sample was recorded; and based on the comparison, identifying a broadcast station from which the audio sample was broadcast.

Regarding claim 10. The nearest prior art as shown in Pitman fails to teach a method for identifying a broadcast source of content comprising: comparing an identity of an audio sample with identities of broadcast audio samples taken from broadcast channels being monitored; comparing a time offset of the audio sample with time offsets of the broadcast audio samples, the time offsets defining an elapsed time between when a sample was taken and when the time offset comparison occurs plus a relative time offset, the relative time offset defining a time difference between a start time of a sample and a time when a sample was recorded; and based on substantially 7 matching identities and substantially matching offsets, identifying a broadcast channel from which the audio sample was recorded.

Regarding claim 16. The nearest prior art as shown in Pitman fails to teach a monitoring station comprising: broadcast channel samplers for sampling audio from respective broadcast stations; an audio recognition engine for determining characteristics of the audio sampled from the respective broadcast stations, and for determining an estimated time offset of the audio between a beginning of an original recording from which the audio sample was taken and the time at which the audio sample was taken and a processor for receiving a user audio sample, comparing the characteristics and the estimated time offset of the audio sampled from the stations and taken at approximately the same time and a time offset of the user sample, and based on the comparisons identifying a broadcast station from which the user audio sample was broadcast.

Form PCT/ISA/237 (Box No. V) (April 2005)